

REMARKS

Applicants thank the Examiner for the Personal Interview of April 26, 2004. The substance of the interview is in the Interview Summary sheet. Claims 1-7, 11-14, and 20-24 are pending. Claims 8-10 and 15-19 have been cancelled without prejudice or disclaimer as being directed to non-elected subject matter. Applicants expressly reserve the right to file one or more continuing applications, claiming priority under 35 USC § 119, 120 and/or 121.

I. Drawing and Specification Amendments

The drawings (i.e., Fig. 1a) and specification have been amended to identify the shoulder 30, its distal end 32, vertical plane P, and the indentation 34 defined therebetween, as well as to correct the description of notch 2'. As these amendments are to describe features shown by the drawings as originally filed, no new matter is being entered.

II. Claims 1-5, 7, 11, 12, 20 and 21

Claims 1-5, 7, 11, 12, 20 and 21 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over SE 802375 in view of Glover et al. (U.S. Patent No. 5,054,256) and Larrea (U.S. Patent No. 4,435,935).

A. The recited "indentation" is not taught by the cited references.

Amended claim 1 presently recites a shoulder, defining the notch (which is formed in the edge below the decorative upper surface) having distal end and a plane including one of the edges. The claim additionally defines the space between this plane and the shoulder, i.e., the indentation, as having a particular dimension when compared to a dimension of the cheeks. Specifically, the width of the indentation is greater than the width of one of the first and second independently resilient cheeks. The amendments to the specification and drawings are merely to identify the shoulder as disclosed by the originally filed drawings. No new matter has been entered.

While SE '375 may include a space or indentation between a plane including the distal end of an edge of the panel and a distal end of the shoulder defining cut-out 7, this indentation does not have a width greater than the width of the vertical middle flange 10. Specifically, Applicants direct the Examiner's attention to the final paragraph on page 2 of the translation of SE '375, wherein the space formed by part 7 "has a thickness corresponding to half the middle flange 10 of the fastening profile 3. This implied, that two joined panels 1 are in contact with each other along the edge surfaces without the formation of a gap." (emphasis added). Thus, it is clear that this reference teaches away from modifying the size of the space to be wider than the width of the middle flange 10, as such would create an undesirable gap between the panels.

B. The cited references fail to provide motivation to modify SE '375

As discussed at the Personal Interview, Applicants additionally present that the Office Action has failed to establish sufficient motivation for one of ordinary skill in the art to modify SE '375 to either (1) alter the size and shape of the joining profile and/or the panels such that the joining profile does not extend below the lower side, or more importantly (2) divide central cheek section 10 into two independently resilient sections. Although the Office Action remarks that dividing the central cheek section 10 of SE '375 would enable "the easy snap fitting of the tongues into the notches," Applicants respectfully present that the structure of SE '375 allows for engagement of adjacent panels with fastening profiles "without the need of skill in the art or special tools" (Translation, page 1, third paragraph), and as such, one of ordinary skill in the art would not be motivated to provide for "easy snap fitting".

Furthermore, the "easy snap fitting" noted by the Office Action is not discussed in any of the cited art. SE '375 teach to "squeeze" the joining profile, Glover et al. teaches to force the flanges 6 to penetrate the sides of the panels, and in Larrea, the metal plates are screwed together. Thus, the Office Action uses "impermissible hindsight" in asserting that "easy snap fitting" of the panels would be desirable.

In light of the amendments and remarks, Applicants respectfully request reconsideration of this rejection.

III. Claims 6, 13, 14, 22 and 24

Claims 6, 13, 14, and 22-24 stand rejected under 35 USC § 103(a) as being unpatentable over SE '375 in view of Glover et al. The Office Action asserts SE '375 teaches each feature recited by these claims, except for the central cheek 10 of SE '375 being first and second independently resilient cheeks, for which purpose Glover et al. is cited.

However, Applicants respectfully present SE '375 and Glover et al., alone or in combination, fail to teach other features recited by the rejected claims. For example, present claim 13 describes the middle section as being “a planar, longitudinally extending” member. In contrast, SE '375 the two lower flanges 6 have “an angle v towards the vertical middle flange being slightly less than 90°,” (Translation, page 2, penultimate paragraph) (emphasis added) and “The angle v , formed between the lower flange and the vertical middle flange 10 is suitably approximately 86°. This will give a suitable squeeze effect between the fastening profile 3 and the individual panel 1” (Translation, page 3, first paragraph). This gives a non-planar profile as shown in Fig. 2. Thus, even if Glover et al. were to teach such a planar middle section, SE '375 teaches away from such a modification.

IV. Conclusion

For at least the foregoing reasons, withdrawal of all objections and rejections and passage of the application to issue are respectfully requested.

Respectfully submitted,



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